

NATURE OF CHARGE: *Testosterone* and *Lynntestro.* Adulteration, Section 501 (c), the purity and quality of the articles fell below that which they purported and were represented to possess. The articles were represented to be sterile, whereas they were not sterile but were contaminated with viable micro-organisms. Misbranding, Section 502 (a), the statement "Sterile" displayed upon the labels of the articles, was false and misleading.

Estrone. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since the article was represented to contain 2 milligrams of estrone per cubic centimeter, whereas the article in a number of the vials contained less than 2 milligrams of estrone per cubic centimeter; and, in a number of other vials, the article contained an excess of 2 milligrams of estrone per cubic centimeter. Misbranding, Section 502 (a), the label statements "Estrone U. S. P. (2.0 mg. per cc.) Each cc. contains a sterile aqueous macrosuspension of Estrone U. S. P. 2.0 mg." were false and misleading.

DISPOSITION: February 2, 1954. The defendant having entered a plea of guilty, the court fined him \$300 and placed him on probation for 2 years.

4316. Adulteration of ammonium chloride tablets. U. S. v. 1 Drum * * *.
(F. D. C. No. 36054. Sample No. 45675-L.)

LIBEL FILED: October 21, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 24, 1953, by Nysco Laboratories, Inc. from Long Island City, N. Y.

PRODUCT: 1 drum containing 15,000 enteric coated *ammonium chloride tablets* at Wellesley, Mass.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Ammonium Chloride Tablets," a drug the name of which is recognized in the National Formulary, an official compendium, and the quality of the article fell below the official standard. The standard specifies that a coating may be applied to ammonium chloride tablets, provided that such coating will disintegrate in the alimentary tract. The tablets of the article would not disintegrate in the alimentary tract.

DISPOSITION: January 19, 1954. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS *

4317. Misbranding of Magique Lotion. U. S. v. 11 Cases, etc. (F. D. C. No. 35629.
Sample Nos. 59170-L, 59171-L.)

LIBEL FILED: September 14, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 9 and 18, 1953, by the Lovely Lady Products Co., from El Monte, Calif.

PRODUCT: *Magique Lotion.* 11 cases, each containing 24 cartons and each carton containing a circular entitled "The Magique Lotion Story" and 1 bottle of *Magique Lotion*, at Miami, Fla., together with a number of cards reading, in part, "Here is Another Little Hint on Magique Lotion."

*See also Nos. 4301, 4313, 4315.

RESULTS OF INVESTIGATION: The product originally was labeled as "Slender Lotion" when shipped to the consignee by the Lovely Lady Products Co. With the July 18, 1953, shipment, the Lovely Lady Products Co. provided the consignee with new labeling designating the product as "Magique Lotion," which labeling consisted of a number of empty cartons and a number of loose labels. The consignee relabeled the product by affixing to each bottle one of the loose labels and packing into each of the empty cartons one of the relabeled bottles and one of the above-mentioned circulars.

LABEL, IN PART: (Carton) "Lovely Lady Formula, 53 Magique Lotion Formerly Known as 'Slender Lotion'"; (bottle) "Lovely Lady Magique Lotion An Aid To Beauty * * * Contains Aluminum Potassium Sulphate, Magnesium Sulphate, Sodium-Hypochlorite (5%), Gum Camphor, Oil of Peppermint, Oil of Cloves, Benzoic Acid, Eugenol, Oil of Eucalyptus * * * Contents 16 Oz."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, the carton label and the aforesaid circulars and cards accompanying the article, were false and misleading. The statements represented and suggested that the article was an effective aid in reducing overweight; removing unwanted flesh; producing a slender, petite figure; benefiting the conditions of "flabby skin around our tummies," and "heavy hips and thighs, and legs"; removing fat from the body; eliminating "double chin"; and strengthening sagging chin muscles and sagging flabby flesh or skin. The article was not an effective aid for such purposes. The article was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: January 28, 1954. Default decree of forfeiture and destruction.

4318. Misbranding of kelp tablets. U. S. v. 18,000 Tablets, etc. (F. D. C. No. 35249. Sample Nos. 65645-L, 65646-L.)

LIBEL FILED: May 18, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 11, 1953, from Gardena, Calif.

PRODUCT: *Kelp tablets.* 18,000 tablets in bulk and 141 bottles, each bottle containing 125 tablets, at Chicago, Ill., in possession of Frederick Herrschner, together with a number of booklets entitled "Price List of Vi Vi Bx."

RESULTS OF INVESTIGATION: The shipment of the *kelp tablets* from California was a bulk shipment. After receipt of the tablets at Chicago, Ill., a number of the tablets were repackaged into bottles by the consignee. The above-mentioned booklets were printed for the consignee in January 1953.

LABEL, IN PART: (Bottle) "Vi Vi Bx * * * Pure Sea Kelp (dehydrated) * * * A Supplementary Source of Food Iodine 125 Tablets 10 grains each Frederick Herrschner Sole Distributors 410 So. Wells St., Chicago 7, Ill. One tablet furnishes 7 times the minimum daily requirement for iodine."